

Notice of Allowability

Application No.

10/693,616

Examiner

Khoa D. Huynh

Applicant(s)

HELMETSIE ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant amendment filed on 9/22/05 and the interview on 12/5/2005.
2. ☒ The allowed claim(s) is/are 2,5-13,15-17,19,20 and 22-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>12052005</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. David L. Wisz on 12/05/2005.

The application has been amended as follows:

Claims 1, 3, 4, 14 and 18 have been canceled.

New claims 35, 36 and 37 have been added as follow:

35. A shower surround comprising:
- a base portion which defines a corner slot formed on a top surface of said base portion;
 - a first wall portion;
 - a second wall portion; and
 - a corner portion engaged with said base portion, said first wall portion and said second wall portion, said corner portion including a horizontal top, an opposite lower end and a corner tab extending downwardly from said opposite lower end and engaging with said corner slot, an upper lock tab and a lower lock tab extending from a side of said corner portion, wherein said upper lock tab located adjacent said horizontal top and said lower lock tab located adjacent said opposite lower end of said corner portion, wherein said upper lock tab

extends downwardly and generally perpendicularly from said horizontal top of said corner portion.

36. A shower surround comprising:

a base portion comprising a corner slot formed on a top surface of said base portion;

a first wall portion adjacent said base portion, said first wall portion comprising an upper lock slot and a lower lock slot located adjacent an inner edge of said first wall portion;

a second wall portion adjacent said base portion said second wall portion comprising an upper lock slot and a lower lock slot located adjacent an inner edge of said second wall portion; and

a corner portion comprising a corner tab engaged within said corner slot, upper lock tabs and lower lock tabs adjacent a first and a second corner flanges of said corner portion, said upper lock tabs engaging with said upper lock slots and said lower lock tabs engaging said lower lock slots of said first wall portion and said second wall portion.

37. A method of assembling a shower surround comprising the steps of:

(1) providing a corner portion including a horizontal top, an opposite lower end and a corner tab extending downwardly from said opposite lower end, an upper lock tab and a lower lock tab extending from a side of said corner portion, wherein said upper lock tab located adjacent said horizontal top and said lower lock tab located adjacent said opposite lower end of said corner portion, wherein

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said upper lock tab extends downwardly and generally perpendicularly from said horizontal top of said corner portion;

(2) assembling said corner portion to a first wall portion;

(3) assembling a second wall portion onto a base portion which defines a corner slot formed on a top surface of said base portion; and

(4) assembling the assembled corner portion and the first wall portion from said step (2) to said base portion and the second wall portion such that the corner portion interlocks with the base portion and the second wall portion and said corner tab of the corner portion slides within said corner slot in a raised ledge defined about a floor of the base portion.

In claims 2, 5, 7, 10, 11, 13 and 25,

line 1: delete "1" and substitute --35--.

In claim 6,

line 1: delete "3" and substitute --35--.

In claim 12,

line 1: delete "12" and substitute --11--.

In claim 15, 28 and 29,

line 1: delete "14" and substitute --36--.

In claims 19, 20 and 22,

line 1: delete "18" and substitute --37--.

In claim 15,

line 1-2: delete "further comprising a first and a second corner flange" and substitute --wherein said first and said second corner flanges--,

line 2-3: delete "said first and said second outer flange of".

In claim 26,

line 1: delete "further comprising an" and substitute --wherein said--,

line 2: after "lock tab" delete "which".

In claim 28,

line 1: delete "further comprising a corner flange extending from an outer edge of said corner portion," and substitute --wherein--.

In claim 29,

line 1: delete "further comprising a corner flange extending from an outer edge of said corner portion," and substitute --wherein--,

line 2: after "said corner" delete "flange" and substitute "flanges",

line 3: after "a corner planar" delete "surface" and substitute "surfaces",

line 4: after "said corner planar" delete "surface" and substitute "surfaces".

In claim 32, 33 and 34,

line 1: after "wherein" insert --each of--,

line 1: after "lock" delete "slot" and substitute --slots--,

line 3: before "upper lock" insert --each of said--,

line 3: after "lock" delete "slot" and substitute --slots--, (1st and 2nd occurrences)

line 3: before "said upper lock" insert --each of--,

line 4: delete "flange" and substitute --flanges--.

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2. Claims 2, 5-13, 15-17, 19, 20 and 22-37 are allowed over the prior art of record.
3. The following is an examiner's statement of reasons for allowance: none of the cited prior art teaches a shower surround having, in conjunction with other limitations, the corner portion including a horizontal top, an opposite lower end and a corner tab extending downwardly from said opposite lower end and engaging with said corner slot, the upper lock tab and the lower lock tab extending from the side of said corner portion, wherein said upper lock tab located adjacent said horizontal top and said lower lock tab located adjacent said opposite lower end of said corner portion, wherein said upper lock tab extends downwardly and generally perpendicularly from said horizontal top of said corner portion as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (571) 272-4888. The examiner can normally be reached on M-F (7:00-3:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Justine Yu can be reached on (571) 272-4835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Khoa D. Huynh', with a horizontal line underneath.

Khoa D. Huynh
Primary Examiner
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HK
12/05/2005